

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SRI INTERNATIONAL, INC., a)	
California Corporation,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 04-1199 (SLR)
)	
INTERNET SECURITY SYSTEMS, INC.,)	
a Delaware Corporation, INTERNET)	PUBLIC VERSION
SECURITY SYSTEMS, INC., a Georgia)	
Corporation, and SYMANTEC)	
CORPORATION, a Delaware Corporation,)	
)	
Defendants and)	
Counterclaim-Plaintiffs.)	

**THIRD DECLARATION OF DAVID E. MOORE IN SUPPORT OF
DEFENDANTS' OPENING BRIEF IN SUPPORT OF THEIR MOTION TO
PRECLUDE SRI, BASED ON ITS CONDUCT IN DISCOVERY,
FROM DISPUTING THE EVIDENCE ESTABLISHING THAT
THE LIVE TRAFFIC PAPER IS A 102(b) INVALIDATING REFERENCE**

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*Attorneys for Defendants Internet Security
Systems, a Delaware Corporation and
Internet Security Systems, a Georgia
Corporation*

Dated: June 30, 2006
Public Version Dated: July 11, 2006

I, David E. Moore, hereby declare as follows:

I am associated with Potter, Anderson & Corroon LLP, counsel of record in this action for Internet Security Systems, Inc. I make this Declaration in support of “Defendants’ Opening Brief In Support Of Their Motion To Preclude SRI, Based On Its Conduct In Discovery, From Disputing The Evidence Establishing That The Live Traffic Paper Is A 102(b) Invalidating Reference” and would and could competently testify to the matters set forth below if called upon to do so.

1. Attached hereto as Exhibit A-C are true and correct copies of the August 1, 1997, November 10, 1997 and December 12, 1997 versions of the *Live Traffic Analysis of TCP/IP Gateways* paper (SRI 067675-067689; SRI 067176-067186; SRI 054583-054846).

2. Attached hereto as Exhibit D are true and correct copies of selected pages of the Rebuttal Report of Dr. George Kesidis on Validity.

3. Attached hereto as Exhibit E is a true and correct copy of Defendants December 19, 2005 Rule 30(b)(6) Notice.

4. Attached hereto as Exhibit F is a true and correct copy of Defendants December 22, 2005 Rule 30(b)(6) Notice.

5. Attached hereto as Exhibit G is a true and correct copy of the January 11, 2006 letter from J. Loeb and J. Blake to K. Prescott.

6. Attached hereto as Exhibit H is a true and correct copy of the January 18, 2006 letter from J. Loeb and J. Blake to K. Prescott.

7. Attached hereto as Exhibit I is a true and correct copy of the January 13, 2006 letter from J. Blake to K. Prescott.

8. Attached hereto as Exhibit J is a true and correct copy of the March 20, 2006 letter from J. Loeb and J. Blake to K. Prescott.

9. Attached hereto as Exhibit K are true and correct copies of selected pages of the 30(b)(6) Deposition Transcript of Phillip Porras.

10. Attached hereto as Exhibit L is a true and correct copy of the August 1, 1997 email from Phillip Porras (SRIE 0460761).

11. Attached hereto as Exhibit M is a true and correct copy of the available Emerald Downloads as of August 25, 1997 (SRI 094295).

12. Attached hereto as Exhibit N is a true and correct copy of the available Emerald Downloads as of September 4, 1997 as captured by Internet Archive (ISS_02125903-904 and 02126097).

13. Attached hereto as Exhibit O is a true and correct copy of the April 4, 2006 letter from R. Brown to H. Pollack.

14. Attached hereto as Exhibit P is a true and correct copy of the April 7, 2006 letter from T. Moehlman to H. Pollack.

15. Attached hereto as Exhibit Q is a true and correct copy of the April 7, 2006 from H. Pollack letter to R. Brown.

16. Attached hereto as Exhibit R is a true and correct copy of the April 11, 2006 from K. Prescott letter to T. Moehlman.

17. Attached hereto as Exhibit S are true and correct copies of selected pages of ISS's Second Supplemental Responses and Objections Of ISS-GA and ISS-DE To Interrogatory No. 6.

18. Attached hereto as Exhibit T are true and correct copies of three sets of SRI Supplemental Interrogatory Responses.

19. Attached hereto as Exhibit U are true and correct copies of selected pages of ISS's November 15, 2005 Supplemental Responses and Objections Of ISS-GA and ISS-DE To SRI's Interrogatory Nos. 6 and 11 and Exhibits.

20. Attached hereto as Exhibit V are true and correct copies of selected pages of SRI International, Inc.'s Responses To Defendant ISS-GA's Second Set Of Interrogatories [Nos. 19-20] and SRI's Third Supplemental Response To ISS-GA's Interrogatory No. 17 (December 15, 2005).

21. Attached hereto as Exhibit W are true and correct copies of selected pages of the expert report of S. Smaha.

22. Attached hereto as Exhibit X are true and correct copies of selected pages of the expert report of T. Herberlein.

23. Attached hereto as Exhibit Y is a true and correct copy of the Notes of Advisory Committee on Rules, Notes To the Federal Rules Of Civil Procedure Rule 30.

EXECUTED this 30th day of June, 2006 in Wilmington, Delaware.

/s/ David E. Moore

David E. Moore

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on July 11, 2006, the foregoing document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on July 11, 2006, I have Electronically Mailed the attached document to the following non-registered participants:

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